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MINUTES OF THE CITY COUNCIL OF THE CITY OF GREENSBORO, N. C.

REGULAR MEETING:

20 FEBRUARY 2001

The City Council of the City of Greensboro met in regular session at 6:00 p.m. on the above date in the Council Chamber of the Melvin Municipal Office Building with the following members present: Mayor Keith A. Holliday, presiding; Councilmembers Claudette Burroughs-White, Sandra G. Carmany, Yvonne J. Johnson, Earl F. Jones, Robert V. Perkins, Tom Phillips, Donald R. Vaughan and Nancy Vaughan. Absent: None. Also present were J. Edward Kitchen, City Manager; Linda Miles, City Attorney; and Susan E. Crotts, Deputy City Clerk.

The meeting was opened with a moment of silence. The Mayor recognized members of Junior Girl Scout Troop 92, who were present in the Chamber and led the Pledge of Allegiance to the Flag.

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The Manager recognized Debra Meurs, employee in the Environmental Services Department, who served as courier for the meeting.

The Mayor stated that this was the time and place set for a public hearing to consider an ordinance granting a Special Use Permit for an expansion of a Swim and Tennis Club for property located east of the terminus of Keats Place and on the west side of Karlingdale Drive. He stated this matter was being heard on appeal filed by Scott Beeninga after the Zoning Commission recommended denial of the permit.

Mayor Holliday administered the oath to individuals who wished to be heard.

C. Thomas Martin, Planning Director, outlined the request and provided the following staff presentation:

This request is to obtain a Special Use Permit for an expansion of a Swim and Tennis Club.

The property is zoned RS-12 Residential Single Family and this zoning classification permits a Swim and Tennis Club with approval of a Special Use Permit.

SPECIAL USE CONDITIONS FOR THE REQUESTED SPECIAL USE PERMIT

- 1) Addition of 3 new tennis courts and new clubhouse of approximately 3000 square feet.
- 2) Addition of paved parking adjacent to tennis courts and proposed clubhouse.
- 3) Expansion of existing parking adjacent to swimming pool/clubhouse.
- 4) Expansion of main clubhouse by approximately 3000 square feet.
- 5) Existing pools and decks shall be rebuilt to achieve current Health Dept. code requirements.
- 6) Total perimeter fencing shall be provided.
- 7) There will be no change in access to the property.
- 8) For the tennis courts, any new or replacement lights shall be designed specially for tennis courts and directed toward the interior of the property.

Mr. Martin presented a map and photographs as he described the land use and zoning of the property and surrounding area.

This property consists of approximately 7 acres and is located east of the terminus of Keats Place and on the west side of Karlingdale Drive.

	Zoning	<u>Land Use</u>
Subject Property	RS-12	Lawndale Swim & Tennis Club
North	RS-12	Single family dwelling
East	RS-12	3 single family dwellings & vacant land
South	RS-12	Joyner Elementary School
West	RS-12	8 single family dwellings

Mr. Martin stated the Zoning Commission and the Planning Department had recommended approval of the request.

At the request of Council, the City Attorney reviewed the criteria the Council was required to consider in making their decision with respect to granting a special use permit.

Scott Beeninge, president of the Lawndale Swim and Tennis Club, residing at 3308 Wilshire Drive, presented an illustrative rendering of the Club's proposed expansion. He outlined the history of the Club facilities and requested approximately 100 supporters who were present in the Chamber to stand. Approximately 100 supporters stood to be recognized. He requested the Council to approve the special use permit.

Jean Eagan, board member of the Lawndale Swim and Tennis Club, residing at 1808 Province Drive, outlined the Club's membership criteria, the board's goals to improve the facility and the impact anticipated by the proposed improvements. Ms. Eagan stated that the City water impact study program required the Club to grade out more land and remove more trees than they had initially planned. She requested Council to overturn the City's denial of a joint storm water participation agreement with the Club. Ms. Eagan suggested that trees could be saved if water were piped across the property.

Chris Cybulski, residing at 3408 Canterbury Street, expressed support for the Club's expansion in terms of potential benefits to the community through increased recreational opportunities and additional off street parking.

Joan Johnson, residing at 3509 Normandy Road, spoke to the history of the pool and her personal use of the facility. She spoke to opposing opinions in the neighborhood regarding noise, traffic, safety, and environmental concerns including loss of tree buffers and increased lighting.

Cos Gerrald, residing at 2215 Runningbrook Drive, presented a photograph of past and future swim team members; he spoke to the benefits of participation in sports.

The Mayor requested individuals opposing the rezoning to speak to the matter.

Lucie Reynolds, residing at 3010 Karlingdale Drive, presented a petition to Council which purportedly was signed by neighborhood residents who were opposed to the expansion. She cited an anticipated increase in noise and traffic as a basis for concerns. (A copy of the petition is filed in Exhibit Drawer N, Exhibit Number 17, which is hereby referred to and made a part of these minutes.)

Marsha Hurd, residing at 3404 Normandy, spoke to the anticipated impact of the Club's expansion in the neighborhood and the history of the opponents' attempts to negotiate with the proponents of the Club's expansion.

John Kernode, residing at 3402 Lenox Court, spoke to his interest in the proponents and opponents reaching a compromise and discussed concerns about additional tree removal.

William Smith, residing at 3311 Karlingdale Drive, presented photos of his home to illustrate its proximty to the tree buffer and property line adjacent to the swim club. He spoke to the buffers filtering of light and sound; his concern with respect to its removal; and his desire for Council to vote against a special use permit for the club.

The Mayor informed the speakers that they were permitted to question members of the opposing side.

In response to a request for clarification from an unidentified speaker with respect to the Club property and neighborhood members, Pete Eagan, residing at 1808 Province Drive, outlined the number of residents in the neighborhood who were members of the Club. Mr. Martin reviewed the map of the area; he noted the proposed location of new tennis courts and the location of the pool and existing tennis courts.

Lengthy discussion followed in which Council discussed various ways to address storm water runoff in the area and concerns regarding noise, lighting and privacy that had been raised by some residents. Councilmember Perkins requested City staff to assist with development of a storm water solution.

Councilmember Perkins moved to close the public hearing. The motion was seconded by Councilmember D. Vaughan and unanimously adopted by voice vote of the Council. Councilmember Perkins moved that the following amendment be added to the conditions specified in the proposed ordinance: "and will consist of board on board fence where adjacent to Mr. Walter Macadoo's property along Karlingdale Drive, along Mr. William H. Smith's property, and along property belonging to the Lawndale Homes subdivision, which is everything along Normandy Road." The motion was seconded by Councilmember Phillips and unanimously adopted by voice vote of the Council.

Councilmember Perkins thereupon moved adoption of the amended ordinance based on the following findings of fact:

- 1) The use will not materially endanger the public health or safety if located where proposed because there are no health or safety concerns inherent in the continuing use of this property as a swim and tennis club.
- 2) That the use will meet the restrictions imposed by the applicant which provide for three new tennis courts and a new clubhouse of approximately 3000 square feet, addition and expansion of paved parking areas, expansion of main clubhouse by approximately 3000 square feet, rebuilding of pools and decks, provision of total perimeter fencing, to be closed after operating hours, and no change in access to the property.
- 3) The use will not substantially injure the value of adjoining or abutting property because the swim and tennis club has operated at this location for many years.
- 4) The location and character of the use will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City and its environs because the additions and improvements will upgrade this facility without adversely affecting any abutting properties or the neighborhood in general.

The motion was seconded by Councilmember D. Vaughan; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

01-17 AMENDING OFFICIAL ZONING MAP AND AUTHORIZING ISSUANCE OF SPECIAL USE PERMIT

EAST OF THE TERMINUS OF KEATS PLACE AND ON THE WEST SIDE OF KARLINGDALE DRIVE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by the issuance of a Special Use Permit authorizing use of the property described below for a Swim and Tennis Club in a RS-12 Residential Single Family District (subject to those conditions and limitations as set forth in Section 2, 3, and 4 of this ordinance):

BEGINNING at a point in the western right-of-way line of Karlingdale Drive, said point being the southeast corner of William Henry Smith as recorded in Deed Book 2279, Page 491 in the Office of the Guilford County Register of Deeds; thence along said western right-of-way line S01°14′20″E 420.63 feet to a point; thence N87°24′10″E 102.93 feet to a point in the line of Sigmond Tannenbaum as recorded in Deed Book 2752, Page 967; thence along Tannenbaum's line S02°17′20″E 346.33 feet to a point; thence along Tannenbaum's line S89°37′40″W 145.75 feet to a point, said point being a corner of Joyner Elementary School; thence along the line of Joyner Elementary School S89°08′10″W 320.27 feet to a point, said point being a corner with Lawndale Homes, Section 6 as recorded in Plat Book 22, Page 98; thence along the line of Lawndale Homes N01°14′20″W 273.11 feet to a point; thence S87°10′50″W 50.02 feet to a point; thence along the Lawndale Homes, Section 6 and Section 4 as recorded in Plat Book 18, Page 86 N00°56′17″W 480.55 feet to a point; thence N89°05′50″E 378.22 feet to the point and place of BEGINNING, containing approximately 7 acres as shown on "Lawndale Swim & Tennis Club" prepared by Stec & Co. and dated September 21, 2000 as revised November 7, 2000.

Section 2. That the issuance of a Special Use Permit is hereby authorized subject to the following conditions:

- 1) Addition of 3 new tennis courts and new clubhouse of approximately 3000 square feet.
- 2) Addition of paved parking adjacent to tennis courts and proposed clubhouse.
- 3) Expansion of existing parking adjacent to swimming pool/clubhouse.
- 4) Expansion of main clubhouse by approximately 3000 square feet.
- 5) Existing pools and decks shall be rebuilt to achieve current Health Dept. code requirements.
- Total perimeter fencing shall be provided and will consist of board on board fence where adjacent to Mr. Walter MacAdoo's property along Karlingdale Drive, along Mr. William H. Smith's property, and along property belonging to the Lawndale Homes subdivision, which is everything along Normandy Road.
- 7) There will be no change in access to the property.
- 8) For the tennis courts, any new or replacement lights shall be designed specially for tennis courts and directed toward the interior of the property.

Section 3. For use as a Swim and Tennis Club, this property will be perpetually bound and subject to the conditions imposed in Section 2, unless subsequently changed or amended, or until such time as this Special Use Permit shall expire or the permitted activity shall be discontinued, as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development to be made pursuant to this Special Use Permit shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations of, or failure to accept, any conditions and limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances

(Signed) Robbie Perkins

Mayor Holliday stated that this was the time and place set to consider a resolution closing McIver Street from Walker Avenue northward to Carr Street, a distance of approximately 780 feet.

Mr. Martin provided an outline of the proposed street closing; presented a map of the area and noted that a planned turnaround would accommodate previously raised concerns; and stated that concerns between UNCG and Tate Street merchants had been resolved recently following the Planning Board meeting.

The Mayor asked if anyone wished to speak.

Patricia Sullivan, UNCG Chancellor, residing at 711 Sunset Drive, outlined the University's planning process for UNCG expansion, plans for the McIver Street closing and the steps taken to address neighborhood residents and merchants concerns with respect to parking in the area.

Matthew Russ, residing at 206 Hermitage Rd., and Emily Patterson, residing at 216 West Avondale Drive, stated they represented Tate Street merchants and were in favor of the request. They spoke to the negotiation process between the merchants and UNCG and thanked members of Council and the Guilford County Board of Commissioners, and members of City and UNCG staff for their assistance in resolving the matter. Ms. Patterson requested that a task force be established to address University Community issues and growth.

Genie Davis, residing at 110 O'Dell Place, outlined the additional issue of parking problems faced by College Hill neighborhood residents.

Jeff Thigpen, Guilford County Commissioner, residing at 500 South Mendenhall Street, Apartment 3, spoke in favor of the request. He stated that broader parking issues still needed to be addressed and expressed appreciation to City Council members and staff for their work on resolving the McIver Street parking issues

Thomas Essa, residing at 125 McIver Street, stated he was in favor of University growth . He expressed appreciation to City Police Parking Enforcement staff and Legal Department staff to address parking enforcement in the College Hill District. He requested increased parking enforcement in the area.

Doni Russell, residing at 7716 UNCG Station, voiced concerns regarding limited access to parking and to free parking for UNCG students. She requested the City Attorney and University Attorney meet to work out a cooperative agreement.

John Wilson, residing at 810 Walker Ave., stated he was president of the College Hill Neighborhood Association, stated they had recently passed a resolution in support of the street closing, contingent upon increasing parking enforcement to address concerns of neighborhood residents.

Captain Gary Cundiff, Commander of Greensboro Police Department Parking Enforcement, provided an update on current police practices with respect to parking enforcement in the UNCG area.

Council discussed possible means to improve parking availability and increase enforcement in the University community. Councilmember Jones requested the UNCG Student Government Association be involved in the process of addressing parking concerns in the area. Council requested the Manager to bring a proposal to them for Council's consideration on March next meeting that would increase parking enforcement by the City.

Councilmember D. Vaughan moved that the public hearing be closed. The motion was seconded by Councilmember Jones and unanimously adopted by voice vote of the Council.

Councilmember Phillips thereupon moved adoption of the resolution. The motion was seconded by Councilmember Jones; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

27-01 RESOLUTION CLOSING MCIVER STREET FROM WALKER AVENUE NORTHWARD TO CARR STREET A DISTANCE OF APPROXIMATELY 780 FEET

WHEREAS, the owners of all of the property abutting both sides of McIver Street have requested in writing that said portion of street be closed and abandoned as a public street;

WHEREAS, a notice was duly published that a public hearing would be held by the City Council in the Council Chamber in the Municipal Office Building on Tuesday, February 20, 2001, at 6:00 p.m., on the closing of said portion of street;

WHEREAS, the public hearing has now been held and no objections have been made to the closing thereof;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

- 1. That the City Council hereby finds as a fact that the owners of all of the property abutting both sides of the hereinafter mentioned portion of street have requested in writing that said portion of street be closed.
- 2. That the City Council hereby finds as a fact that the closing of the portion of street is not contrary to the public interest and that no individual or other party owning property in the vicinity of the street or in the subdivision in which the street is located will be deprived of reasonable means of ingress or egress to his or its property.
 - 3. That the following portion of street is hereby permanently closed and abandoned as a public street:

McIver Street – from Walker Avenue northward to Carr Street, a distance of approximately 780 feet.

4. That the City of Greensboro hereby reserves a utility easement over each existing utility line located in the above mentioned street until such time as said line is no longer required by the City.

(Signed) Tom Phillips

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The Mayor stated that this was the time and place set for a public hearing to consider a resolution closing Northside Drive from 40 feet northwest of centerline of Summit Avenue northwestward to 30 feet east of centerline of Southern Webbing Mill Road, a distance of approximately 624 feet.

The Mayor asked if anyone wished to be heard.

There being no one wishing to speak to this matter, Mr. Martin stated this street closing had received recommendation for approval by the Planning Board and staff.

Councilmember Johnson moved that the public hearing be closed. The motion was seconded by Councilmember Perkins and unanimously adopted by voice vote of the Council. Councilmember D. Vaughan moved adoption of the resolution. The motion was seconded by Councilmember Johnson; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

28-01 RESOLUTION CLOSING NORTHSIDE DRIVE FROM 40 FEET NORTHWEST OF CENTERLINE OF SUMMIT AVENUE NORTHWESTWARD TO 30 FEET EAST OF CENTERLINE OF SOUTHERN WEBBING MILL ROAD, A DISTANCE OF APPROXIMATELY 624 FEET

WHEREAS, the owners of all of the property abutting both sides of Northside Drive have requested in writing that said street be closed to the general public and the City's interest therein released;

WHEREAS, a notice was duly published that a public hearing would be held by the City Council in the Council Chamber in the Municipal Office Building on Tuesday, February 20, 2001 at 6:00 on the closing of said street;

WHEREAS, the public hearing has now been held and no objections have been made to the closing thereof;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

- 1. That the City Council hereby finds as a fact that the owners of all of the property abutting both sides of the hereinafter mentioned street have requested in writing that said street be closed to the general public and the City's interest therein released.
- 2. That the City Council hereby finds as a fact that the closing of the street to the general public is not contrary to the public interest and that no individual or other party owning property in the vicinity of the street or in the subdivision in which the street is located will be deprived of reasonable means of ingress or egress to his or its property.
- 3. That the following street is hereby permanently closed to the general public and the City's interest therein released:

NORTHSIDE DRIVE FROM 40 FEET NORTHWEST OF CENTERLINE OF SUMMIT AVENUE NORTHWESTWARD TO 30 FEET EAST OF CENTERLINE OF SOUTHERN WEBBING MILL ROAD, A DISTANCE OF APPROXIMATELY 624 FEET

4. That the City of Greensboro hereby reserves a utility easement over each existing utility line located in the above mentioned street until such time as said line is no longer required by the City.

(Signed) Donald R. Vaughan

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Moving to the Consent Agenda, Councilmember Phillips removed item number 19, a resolution authorizing the execution of a Municipal Agreement with the North Carolina Department of Transportation to aid in the financing of the Multi-Modal Transportation Center Project.

Councilmember D. Vaughan moved the adoption of the amended Consent Agenda. The motion was seconded by Councilmember Phillips; the Consent Agenda was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

01-18 ORDINANCE AMENDING STATE AND FEDERAL GRANT PROJECT BUDGET FOR FY 00-01 LIBRARY - ESTABLISHING THE LILA WALLACE READER'S DIGEST FUND PROJECT GRANT BUDGET

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the appropriation for the State and Federal Grants Fund be increased as follows:

 Account
 Description
 Amount

 220-5552-01.4140
 Roster Wages
 \$ 15,600

Total \$ 15,600

and, that this increase be financed by increasing the following State and Federal Grants Fund accounts:

 Account
 Description
 Amount

 220-5552-01.8620
 Donations
 \$ 15,600

Total \$ 15,600

(Signed) Donald R. Vaughan

01-19 ORDINANCE AMENDING STATE AND FEDERAL GRANT PROJECT BUDGET FOR FY 00-01 LIBRARY - AMENDING THE COMMUNITY FOUNDATION OF GREATER GREENSBORO'S BUILDING STRONGER NEIGHBORHOODS PROJECT GRANT BUDGET

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the appropriation for the State and Federal Grants Fund be increased as follows:

AccountDescriptionAmount220-5515-02.5413Contracted Services\$ 25,000

Total \$ 25,000

and, that this increase be financed by increasing the following State and Federal Grants Fund accounts:

 Account
 Description
 Amount

 220-5515-02.8620
 Donations
 \$ 25,000

Total \$25,000

(Signed) Donald R. Vaughan

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29-01 RESOLUTION APPROVING AND AUTHORIZING ADJUSTMENT TO WATER AND SEWER BILL TO TTM OF GREENSBORO FOR SERVICE TO 6305 BURLINGTON ROAD

WHEREAS, under the Rules and Regulations for the Operation of the Water and Wastewater System of the City of Greensboro the Water Resources Customer Service Department is occasionally required to make adjustments to customer service bills;

WHEREAS, TTM of Greensboro is the owner of property located at 6305 Burlington Road;

WHEREAS, an additional digit was entered in the meter reading when the bill was produced which was not found in the edit program;

WHEREAS, after discussions with the customer the city has calculated an adjustment of \$95,461.98 in accordance with the above mentioned Rules;

WHEREAS, it has been determined that \$39,323.23 represents the water rebate and \$56,138.75 represents the sewer rebate.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the reduction of this water bill is hereby approved and the Water Resources Customer Service Department is hereby authorized to reduce the bill to TTM of Greensboro for service to 6305 Burlington Road by \$95,461.98.

(Signed) Donald R. Vaughan

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30-01 RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT NO. 2000-25 WITH KEN MOR ELECTRIC COMPANY LP FOR THE TZ OSBORNE WW RECLAMATION FACILITY 30 MGD EXPANSION AND UPGRADE IMPROVEMENTS

WHEREAS, Contract No. 2000-25 with Ken Mor Electric Company LP provides for the TZ Osborne WW Reclamation Facility 30 MGD Expansion and Upgrade Phase III, Contract 3 Improvements;

WHEREAS, several changes to work became evident following the original negotiations requested by the City or associated with defective work or damage due to MCI's work on the site, thereby necessitating a change order in the contract in the amount of \$27,488.87.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That a change order in the above-mentioned contract with Ken Mor Electric Company, LP for the TZ Osborne WW Reclamation Facility 30 MGD Expansion and Upgrade Phase III, Contract 3 is hereby authorized at a total cost of \$27,488.87, payment of said additional amount to be made from Account No. 509-7056-01.

(Signed) Donald R. Vaughan

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31-01 RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT NO. 2000-24A WITH LYON CONSTRUCTION COMPANY FOR THE PUBLIC SAFETY TRAINING FACILITY FE PROJECT NO. 9709 IMPROVEMENTS

WHEREAS, Contract No. 2000-24A with Lyon Construction Company provides for general construction improvements;

WHEREAS, poor soil conditions exist on the site which include construction debris and soils which are unsuitable for structural fill which will require additional removal, hauling and disposal, including rock excavation and replacement fill, thereby necessitating change orders in the contract in the total amount of \$126,825.00.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That a change order in the above-mentioned contract with Lyon Construction Company for the general construction on the Public Safety Training Facility FE Project No. 9709 is hereby authorized at a total cost of \$126,825.00, payment of said additional amount to be made from Account No. 436-4030-01.6013 (CBR 001).

(Signed) Donald R. Vaughan

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32-01 RESOLUTION AUTHORIZING ENCROACHMENT AGREEMENT WITH PROJECT HOMESTEAD, INC. TO PERMIT CONSTRUCTION OF A CANOPY ON THE EXISTING STRUCTURE AT 853 SOUTH ELM STREET WITHIN THE RIGHT-OF-WAY OF SOUTH ELM STREET

WHEREAS, Project Homestead, Inc., has requested that the City permit the proposed construction of a canopy on the existing structure located at 853 South Elm Street within the right of way of South Elm Street;

WHEREAS, the owner has agreed to enter into an Agreement with the City of Greensboro which, among other things, will indemnify the City from any claim or damages that may occur due to the canopy being located within the street right of way;

WHEREAS, it is deemed in the best interest of the City to permit the encroachment of said canopy in accordance with the terms and conditions of an Agreement presented herewith this day.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro an appropriate Encroachment Agreement with Project Homestead, Inc., to permit construction of the canopy to the existing structure located at 853 South Elm Street to be built within the right of way of South Elm Street all in accordance with the terms and conditions set out therein.

(Signed) Donald R. Vaughan

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33-01 RESOLUTION AUTHORIZING THE EXECUTION OF THE AMENDED AGREEMENT OF RIDESHARING SERVICES AND VANPOOLING OF THE PIEDMONT AMONG THE CITIES OF GREENSBORO, HIGH POINT, WINSTON-SALEM AND THE PIEDMONT AUTHORITY FOR REGIONAL TRANSPORTATION

WHEREAS, the North Carolina Department of Transportation administered the National Ridesharing Demonstration Program sponsored by the Federal Transit Administration which created a ridesharing program (RSVP sponsored by the Cities of Greensboro, High Point and Winston-Salem); and

WHEREAS, the City of Winston-Salem was responsible for the administration of the RSVP Program for the Piedmont Triad Region since January 1, 1995; and

WHEREAS, the City of Winston-Salem served as the designated recipient of federal (FTA Section 9 operating) and state funds to support RSVP Program expenditures since January 1,1995; and

WHEREAS, the administration of the jointly sponsored ridesharing program will change to the Piedmont Authority for Regional Transportation effective July 1, 2000;

WHEREAS, the Piedmont Authority for Regional Transportation will become the designated recipient of federal, state, local and private funds to support the PART RSVP Program effective July 1, 2000; and

WHEREAS, the Agreement of Ridesharing Services and Vanpooling of the Piedmont is proposed for modification to accommodate the transfer of capital assets from the City of Winston-Salem to the Piedmont Authority for Regional Transportation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

- 1. That the City Manager is authorized to execute the amended PART RSVP Agreement on behalf of the City of Greensboro with the Piedmont Authority for Regional Transportation.
- 2. That the City Manager is authorized to furnish such additional information as the PART RSVP Agreement may require in connection with the administration of the Program, as appropriate.

(Signed) Donald R. Vaughan

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34-01 RESOLUTION GRANTING ENCROACHMENT FOR AN EASEMENT ON STREET RIGHTS-OF-WAYS TO THE UNIVERSITY OF NORTH CAROLINA AT GREENSBORO AS FOLLOWS: CROSSING MCIVER STREET AT THE UNCG MCIVER STREET PARKING DECK AND 119 MCIVER STREET.

WHEREAS, the University of North Carolina at Greensboro has requested an encroachment easement from the City for the underground installment of 50 linear feet of private fiber optic cable in order to serve the company by providing a communication link between the University;

WHEREAS, plans have been submitted to the City Utilities Coordinator for approval of the construction of the communications line which would require boring under McIver Street as shown on the attached map;

WHEREAS, following installation of said cable, the University of North Carolina at Greensboro will provide the necessary repair, if any, of the street in compliance with City standards;

WHEREAS, the University of North Carolina at Greensboro falls under the category of "governmental institution" and therefore is excluded from paying an encroachment fee;

WHEREAS, in the opinion of the City Council, such encroachment easement for the installation of communications cable will neither cause a public nuisance nor unreasonably interfere with the use of the streets and sidewalks by the public.

NOW THEREFORE, IT BE RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That pursuant to Section 4.128(c) of the Charter of the City of Greensboro, the University of North Carolina at Greensboro is hereby authorized to encroach in the above described street right-of-way for the installation of fiber optic cable in McIver Street as shown on the attached map.

(Signed) Donald R. Vaughan

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35-01 RESOLUTION CALLING A PUBLIC HEARING FOR MARCH 6, 2001 ON THE ANNEXATION OF TERRITORY TO THE CORPORATE LIMITS – LOCATED EAST OF GUILFORD COLLEGE ROAD – 20.276 ACRES

WHEREAS, the owner of all the hereinafter described property, which is non-contiguous to the City of Greensboro, has requested in writing that said property be annexed to the City of Greensboro;

WHEREAS, Chapter 160A, Section 58.1 of the General Statutes of North Carolina provides that territory may be annexed after notice has been given by publication one time in a newspaper of general circulation in the city;

WHEREAS, at a regular meeting of the City Council on the 20th day of February, 2001, the following ordinance was introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED EAST OF GUILFORD COLLEGE ROAD – 20.276 ACRES)

Section 1. Pursuant to G.S. 160A-58.1, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at an iron pipe on the east side of Guilford College Road, also known as State Road 1546, being Billy R. Nance's corner, being corner of Lot 16, G.G. Merritt Estate, Plat Book 17, Page 5, Office of Register of Deeds of Guilford County; thence, South 83 degrees 38 minutes 51 seconds East, 1052.32 feet to an existing iron pipe; thence, South 83 degrees 38 minutes 06 seconds East, 299.67 feet to an existing iron pipe; thence, South 83 degrees 38 minutes 40 seconds East, 415.48 feet to an existing iron pipe; thence, South 83 degrees 43 minutes East, 164.85 feet to an existing iron pipe, Kenneth L. Barber's corner; thence, South 6 degrees 53 minutes 36 seconds West, 523.06 feet along Kenneth L. Barber's line to an existing stone with nail, Arthur Lea's line; thence, North 82 degrees 07 minutes 37 seconds West, 786.37 feet to a new iron pipe in Thomas E. Sapp heirs; thence, North 82 degrees 08 minutes 43 seconds West, 227.06 feet to an existing iron pipe, being the northeast corner Lot 4, S. L. McFarland Plat Book 46, Page 60; thence, North 82 degrees 08 minutes 15 seconds West, 294.78 feet to an existing iron pipe, northeast corner of Lot 3, S.L. McFarland, Plat Book 46, page 60, thence, North 82 degrees 08 minutes 20 seconds West, 274.06 feet to an existing iron pipe to a new corner Tract P; thence, North 04 degrees 50 minutes 38 seconds East, 270.29 feet along tract 3 to a new iron; thence, North 82 degrees 08 minutes 27 seconds West, 368.18 feet to an iron on Guilford College Road; thence, along Guilford College Road, North 15 degrees, 49 minutes 33 seconds East. 3.60 feet to an iron; thence, continuing along Guilford College Road, North 15 degrees 00 minutes 03 seconds East, 99.99 feet to an existing iron pipe; thence, along said Guilford College Road, North 14 degrees 20 minutes 15 seconds East 99.74 feet to the beginning, containing 20.276 acres more or less, being boundary survey for Greenwood & Charles Inc. by Davis Martin Powell & Associates, Inc.; same being a redivision of Lot 17 of Merritt Estate, Plat Book 17, Page 5, Office of Register of Deeds of Guilford, designated thereon as Tract A.

- Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.
- Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.
- Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.
- Section 5. From and after May 31, 2001, the liability for municipal taxes for the 2000-2001 fiscal year shall be prorated on the basis of 1/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2001. Municipal ad valorem taxes for the 2002 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after May 31, 2001.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That March 6, 2001 at 6:00 p.m. be fixed as the time and the Council Chambers in the Melvin Municipal Office Building as the place for the public hearing on the proposed annexation of territory to the City of

Greensboro as above set out and that this resolution be published in a newspaper published in the City of Greensboro not later than February 24, 2001.

(Signed) Donald R. Vaughan

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36-01 RESOLUTION CALLING A PUBLIC HEARING FOR APRIL 3, 2001 ON THE ANNEXATION OF TERRITORY TO THE CORPORATE LIMITS – LOCATED ON YANCEYVILLE STREET – 23.5 ACRES

WHEREAS, the owner of all the hereinafter described property, which is non-contiguous to the City of Greensboro, has requested in writing that said property be annexed to the City of Greensboro;

WHEREAS, Chapter 160A, Section 31 of the General Statutes of North Carolina provides that territory may be annexed after notice has been given by publication one time in a newspaper of general circulation in the city;

WHEREAS, at a regular meeting of the City Council on the 20th day of February, 2001, the following ordinance was introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED ON YANCEYVILLE STREET -23.5 ACRES)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the existing Greensboro city limit line (as of January 31, 2001), said point being in the west right-of-way line of Yanceyville Street and being 180 feet north of the centerline of Lee's Chapel Road; THENCE DEPARTING FROM THE EXISTING CITY LIMITS and running in a northerly direction with the west right-of-way line of Yanceyville Street approximately 1,240 feet to its intersection with the westward projection of the north line of Virginia W. Brown; thence S 87° 01' 03" E, crossing Yanceyville Street, approximately 60 feet to Brown's northwest corner; thence continuing S 87° 01' 03" E 491.28 feet with Brown's north line to a point; thence S 86° 55' 01" E 337.68 feet with Brown's north line to Brown's northeast corner; thence S 07° 50' 43" W 504.17 feet with Brown's east line to a point; thence S 24° 13' 03" W 409.61 feet with Brown's east line to a point; thence continuing with Brown's east line in a southerly direction 140.12 feet to a point; thence S 17° 28' 02" W approximately 220 feet with Brown's east line to the intersection of said line and the existing city limits; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS in a westerly direction approximately 720 feet to the point and place of BEGINNING, and containing approximately 23.5 acres.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after June 30, 2001, the liability for municipal taxes for the 2001-2002 fiscal year shall be prorated on the basis of 12/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2001. Municipal ad valorem taxes for the 2002-2003 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after June 30, 2001.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That April 3, 2001, at 1:00 p.m. be fixed as the time and the Council Chambers in the Melvin Municipal Office Building as the place for the public hearing on the proposed annexation of territory to the City of Greensboro as above set out and that this resolution be published in a newspaper published in the City of Greensboro not later than March 24, 2001.

(Signed) Donald R. Vaughan

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37-01 RESOLUTION CALLING A PUBLIC HEARING FOR MARCH 6, 2001 ON THE ANNEXATION OF TERRITORY TO THE CORPORATE LIMITS – LOCATED ON HIGH POINT ROAD – 30.136 ACRES

WHEREAS, the owner of all the hereinafter described property, which is non-contiguous to the City of Greensboro, has requested in writing that said property be annexed to the City of Greensboro;

WHEREAS, Chapter 160A, Section 58.1 of the General Statutes of North Carolina provides that territory may be annexed after notice has been given by publication one time in a newspaper of general circulation in the city;

WHEREAS, at a regular meeting of the City Council on the 20th day of February, 2001, the following ordinance was introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED ON HIGH POINT ROAD – $30.136\ ACRES)$

Section 1. Pursuant to G.S. 160A-58.1, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the eastern right-of-way line of High Point Road at the southwest corner of the property now or formerly of Sedgefield Baptist Church, and running thence S 85° 40′ 32″ E 764.45 feet to a point; thence S 03° 57′ 13″ W 181.44 feet to a point; thence S 03° 56′ 10″ W 181.23 feet to a point; thence S 03° 57′ 41″ W 181.52 feet to a point; thence S 03° 38′ 23″ W 89.79 feet to a point; thence S 03° 53′ 59″ W 124.54 feet to a point; thence N 81° 15′ 20″ W 94.43 feet to a point; thence S 29° 20′ 00″ W 741.10 feet to a point; thence N 59° 04′ 31″ W 936.10 feet to a point in the eastern right-of-way line of High Point Road; thence N 60° 41′ 15″ W 100.00 feet, crossing said road, to a point in its western right-of-way line; thence N 29° 18′ 45″ E 1122.36 feet along said western right-of-way line, which is also along the annexation agreement line between the City of Greensboro and the Town of Jamestown, to a point; thence S 60° 41′ 15″ E 100.00 feet, crossing High Point Road, to the point and place of BEGINNING, and containing 30.136 acres.

Section 2. The owners agree to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City.

Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

- Section 3. The owners shall be fully responsible for extending water and sewer service to the property at said owner's expense.
- Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.
- Section 5. From and after May 31, 2001, the liability for municipal taxes for the 2000-2001 fiscal year shall be prorated on the basis of 1/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2001. Municipal ad valorem taxes for the 2001-2002 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after May 31, 2001.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That March 6, 2001, at 6:00 p.m. be fixed as the time and the Council Chambers in the Melvin Municipal Office Building as the place for the public hearing on the proposed annexation of territory to the City of Greensboro as above set out and that this resolution be published in a newspaper published in the City of Greensboro not later than February 24, 2001.

(Signed) Donald R. Vaughan

Motion to make a part of minutes report of budget adjustments covering period January 1-31, 2001 was unanimously adopted. (A copy of the report is filed in Exhibit N, Exhibit Number 1, which is hereby referred to and made a part of these minutes.)

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Motion to approve minutes of regular meeting of 6 February 2001 was unanimously adopted.

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Mayor Holliday introduced a resolution authorizing the execution of a Municipal Agreement with the North Carolina Department of Transportation to aid in the financing of the Multi-Modal Transportation Center Project.

Councilmember Phillips reminded Council of his opposition to the Multi-Modal Transportation Center Project.

Councilmember Carmany moved adoption of the resolution. The motion was seconded by Councilmember Jones. The resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Vaughan and Vaughan. Noes: Phillips.

38-01 RESOLUTION AUTHORIZING THE EXECUTION OF A MUNICIPAL AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION, TO AID IN THE FINANCING OF THE MULTI-MODAL TRANSPORTATION CENTER PROJECT

WHEREAS, the North Carolina Department of Transportation has included in its Transportation Improvement Plan enhancement monies for improvements to the Southern Railway Passenger Station within the Municipality; and

WHEREAS, the Municipality has agreed to assume responsibility for all aspects of said improvements including planning, design and construction of the project subject to the review and approval of the Department and in accordance with state and federal standards;

WHEREAS, the Department has agreed to reimburse the Municipality ninety percent (90%) of the costs of the project subject to the conditions set forth in this Agreement.

NOW, THEREFORE, BE IT RESOLVED that Project P-3801, Guilford County and this Agreement are hereby formally approved by the City Council of the Municipality of Greensboro and that the Mayor and Clerk of this Municipality are hereby empowered to sign and execute the Agreement with the Department of Transportation.

(Signed) Sandy Carmany

The Mayor introduced a resolution approving portions of the Legislative Goals of the League of Municipalities and enumerating the general Legislative Goals of the City of Greensboro. Following brief discussion, Councilmember Johnson moved adoption of the resolution. The motion was seconded by Councilmember D. Vaughan. The resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

39-01 RESOLUTION APPROVING PORTIONS OF THE LEGISLATIVE GOALS OF THE LEAGUE OF MUNICIPALITIES AND ENUMERATING THE GENERAL LEGISLATIVE GOALS OF THE CITY OF GREENSBORO

WHEREAS, the North Carolina League of Municipalities is an organization established to promote the interest of municipalities in the Legislature;

WHEREAS the League of Municipalities has adopted a Legislative Program for the 2001 Legislative Session;

WHEREAS, the City Council has reviewed the legislative needs of municipalities in general and has determined that the following attached portions of the League's program are vital to the welfare and good government of the citizens of Greensboro with exceptions noted which have been determined by the Council to be in the best interest of the citizens of Greensboro; and thereby endorses said program of the League with the noted exceptions.

NOW, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the Legislative Program of the League as set on the attached packet is hereby endorsed by the City Council of the City of Greensboro with the noted exceptions and provisions as noted to the electric deregulation and lottery positions of the League.

(Signed) Yvonne Johnson

The Mayor introduced a resolution approving bids and authorizing execution of Contract No. 2001-15 for the Greensboro Multi-Modal Transportation Center Abatement Project. The Manager stated Councilmembers had received final bid information just prior to the meeting.

Councilmember Phillips noted his opposition to all projects involving the Multi-Modal Transportation Center.

Councilmember Burroughs-White moved adoption of the resolution. The motion was seconded by Councilmember Johnson; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Vaughan and Vaughan. Noes: Phillips.

40-01 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 2001-15 WITH DEMOLITION AND ASBESTOS REMOVAL, INC. (DARI) FOR THE GREENSBORO MULTI-MODAL TRANSPORTATION CENTER ABATEMENT PROJECT

WHEREAS, after due notice, bids have been received for the improvements for the Greensboro Multi-Modal Transportation Center Abatement project;

WHEREAS, Demolition and Asbestos Removal, Inc. (DARI), a responsible bidder, has submitted the low base and alternate bid in the total amount of \$164,830.00 as general contractor for Contract No. 2001-15, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by Demolition and Asbestos Removal, Inc. (DARI) is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made from Account No. 566-4512-01.6059.

(A tabulation of bids is filed with the above resolution and is hereby referred to and made a part of these minutes.)

(Signed) Claudette Burroughs-White

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Councilmember N. Vaughan introduced and read into the record, a resolution bestowing the honorary name of "ACC Drive" on the portion of Patterson Street between Interstate 40 and High Point Road in recognition of Greensboro's long and successful partnership with the Atlantic Coast Conference.

The City Manager noted that the honorary nature of this name change would not impact actual addresses in the vicinity.

Councilmember Johnson moved adoption of the resolution. The motion was seconded by Councilmember Burroughs-White; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

41-01 RESOLUTION BESTOWING THE HONORARY NAME OF "ACC DRIVE" ON THE PORTION OF PATTERSON STREET BETWEEN INTERSTATE 40 AND HIGH POINT ROAD IN RECOGNITION OF GREENSBORO'S LONG AND SUCCESSFUL PARTNERSHIP WITH THE ATLANTIC COAST CONFERENCE

WHEREAS, the Atlantic Coast Conference was founded on May 8, 1953 at the Sedgefield Inn near Greensboro;

WHEREAS, the Atlantic Coast Conference has called Greensboro its home for 48 years and has earned national recognition as one of the strongest, most competitive, intercollegiate conferences in America by maintaining its high level of consistency in athletics and academics;

WHEREAS, in recognition of the success and partnering with the Atlantic Coast Conference it is deemed to be fitting and proper that the portion of Patterson Street between Interstate 40 and High Point Road be given the honorary name of "ACC Drive".

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the City Council in acknowledgment of Greensboro's long and successful partnership with the Atlantic Coast Conference, hereby bestows the honorary name of "ACC Drive" on the portion of Patterson Street between Interstate 40 and High Point Road in recognition and appreciation of the Atlantic Coast Conference.

(Signed) Yvonne Johnson

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Council discussed various past and upcoming community events.

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Councilmember Phillips stated that graffiti remained on the old City Library Building downtown and requested its removal as soon as possible. He stated that graffiti had also been painted on another building located west of the Jaycees building at the intersection of Lindsay Street and Battleground Avenue. The City Manager noted that staff would address these concerns.

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The Mayor requested Council to furnish names for five remaining Comprehensive Plan Steering Committee alternates. He noted that also needed were Tree Committee representatives for Districts 1, 2 and 5.

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Councilmember Jones moved that Bill Burckley be appointed to the Community Resource Board; this term will expire 15 August 2002. The motion was seconded by Councilmember Carmany and unanimously adopted by voice vote of the Council.

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Councilmember D. Vaughan moved that Robert Cone be appointed to the Library Board; this term will expire 15 August 2001. The motion was seconded by Councilmember Jones and unanimously adopted by voice vote of the Council.

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Councilmember Burroughs-White moved that Linda Edmunds be appointed to the John Motley Morehead Commission; this term will expire 15 August 2006. The motion was seconded by Councilmember Johnson and unanimously adopted by voice vote of the Council.

Councilmember Burroughs-White moved that Heather Siefert be appointed to the Historic Preservation Commission. The motion was seconded by Councilmember Johnson and unanimously adopted by voice vote of the Council.

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The City Manager provided an update on anticipated items for the upcoming Council Briefing agenda.

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Councilmember Johnson moved that the City Council adjourn. The motion was seconded by Councilmember Burroughs-White and adopted unanimously by voice vote of the Council.

THE CITY COUNCIL ADJOURNED AT 9:18 P.M.

SUSAN E. CROTTS DEPUTY CITY CLERK

KEITH A. HOLLIDAY MAYOR
